

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALICE SINANYAN; *et.al.*,
Plaintiffs,
vs.

LUXURY SUITES INTERNATIONAL, LLC;
et.al.,
Defendants.

Case No. 2:15-cv-225-GMN-VCF

**ORDER AND REPORT &
RECOMMENDATION**

MOTION FOR DISCOVERY SANCTIONS (ECF No. 91)

This matter involves Plaintiff Alice Sinanyan's civil action against JAB Affiliates and other Defendants. Before the court is Sinanyan's motion for discovery sanctions against JAB (ECF No. 91). The court held a hearing at 1:00 p.m. on June 3, 2016.

JAB's response was due on May 21, 2016. LR 7-2(b). As of June 3, 2016, the court has not received JAB's response. At the hearing, JAB stated that it did not oppose judgment being entered against it. As failure to oppose a motion constitutes consent to the granting of the motion, Sinanyan's motion for sanctions is granted. LR 7-2(d).

The court therefore recommends that JAB's answer be stricken and a default judgment be entered against JAB for the full amount prayed for in the complaint. The court also recommends that should a default judgment be entered, the district court should certify this judgment as a final judgment pursuant to Federal Rule of Civil Procedure 54(b).

ACCORDINGLY, and for good cause shown,

IT IS HEREBY ORDERED that Sinanyan's motion for discovery sanctions (ECF No. 91) is GRANTED.

1 IT IS FURTHER ORDERED that Sinanyan's request for attorney's fees is DENIED without
2 prejudice. On or before June 10, 2016, Sinanyan's counsel may refile an affidavit that details the fees
3 charged for this motion only (ECF No. 91) Sinanyan may not recover attorney's fees related to other
4 efforts to obtain discovery from JAB. FED. R. CIV. P. 37(a)(5)(A).

5 IT IS FURTHER RECOMMENDED that JAB's answer (ECF No. 37) be STRICKEN.

6 IT IS FURTHER RECOMMENDED that a default judgment against JAB be entered for the full
7 amount sought against JAB. On or before June 10, 2016, Sinanyan must file a copy of her Rule
8 26(a)(1)(A)(iii) statement of damages against JAB. This statement must be authenticated by Plaintiff's
9 counsel's affidavit.

10 IT IS FURTHER RECOMMENDED that if a default judgment is entered, that judgment should
11 be certified as a final judgment pursuant to Federal Rule of Civil procedure 54(b).

12 IT IS SO ORDERED AND RECOMMENDED.

13 DATED this 6th day of June, 2016.

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17 CAM FERENBACH
18 UNITED STATES MAGISTRATE JUDGE
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